

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MILTON WILLIAMS, *on behalf of himself
and all other persons similarly situated,*

Plaintiff,

-against-

ALTO MUSIC OF ORANGE COUNTY,
INC. and ALTO MUSIC OF DUTCHESS
COUNTY, INC.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/23/2021

21-cv-3064 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff initiated this action by filing a complaint on April 8, 2021 [ECF #4]. He has not filed proof of service on Defendant Alto Music of Orange County, Inc. Plaintiff has filed an affidavit of service on Defendant Alto Music of Dutchess County, Inc., representing that its answer was due by May 20, 2021 [ECF #8]. However, Alto Music of Dutchess County has not answered or otherwise appeared in this action, and Plaintiff has not moved for a default judgment with respect to Alto Music of Dutchess County.

As such, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, IT IS HEREBY ORDERED that, by July 8, 2021, Plaintiff shall serve the summons and complaint on Alto Music of Orange County and shall file proof of such service on ECF.

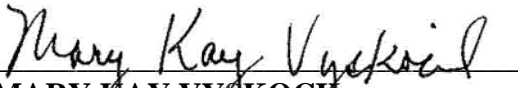
IT IS FURTHER ORDERED that, by July 8, 2021, Plaintiff shall file any motion for a default judgment against Alto Music of Dutchess County. Plaintiff shall follow the procedures applicable to default judgments in the Court's Individual Rules, available at

<https://nysd.uscourts.gov/hon-mary-kay-vyskocil>.

Plaintiff is on notice that failure to comply with this order and prosecute this action may result in dismissal, with prejudice, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

SO ORDERED.

**Date: June 23, 2021
New York, NY**


MARY KAY VYSKOČIL
United States District Judge